HARASSMENT – POLICY AND PROCEDURES

Introduction

If you feel you’re being harassed by others….

And you are a student at the University

• Read the Policy and Procedure documents
• If at all possible, make clear to the person causing offence that such behaviour is unacceptable to you.
• If you feel unable to confront the person directly, or if talking to them has no effect, either:-
• Talk the problem through with a friend, or, if you feel it would help, with a member of staff in your department, or
• Seek a confidential interview with a member of staff in The Advice and Counselling Service

If you’re a member of staff, the procedures are more or less the same. Full details on a separate document available from the Personnel Office and Heads of Departments. Details are also in the Staff Handbook.

Personal Harassment Policy

Outline

1. Queen Mary and Westfield College is committed to providing a learning environment free of unlawful discrimination and improper harassment. Sexual, racial and other forms of personal harassment can seriously worsen study and social conditions and affect the general quality of life for all members of the College, as well as the direct victims. Any allegation of personal harassment will therefore be regarded extremely seriously and will be investigated and, if appropriate, may be grounds for disciplinary action.

2. All members of the College, staff and students, are responsible for helping to ensure that individuals do not suffer sexual, racial or any other form of harassment, and that they are encouraged and supported in any legitimate complaint. Any difficulty in defining what constitutes harassment should not deter anyone from complaining of behaviour which causes them distress, nor should they be deterred by embarrassment, intimidation or fear of publicity. The sensitivity of harassment complaints and the desire for confidentiality will be respected by the College.

3. Threats, abuse or insults which are actually intended to cause harassment, alarm or distress constitute a criminal offence. This is so whether or not they are racially or sexually motivated, and whether the victim’s response is one of fear or of counter-aggression. But less extreme behaviour can be equally insidious and upsetting and will be viewed seriously by the College.

What is Harassment?

4. Harassment is unwanted behaviour which is hostile and/or offensive to the recipient or others, and which is not justified by the professional or working relationship. Such behaviour may be physical, verbal, non-verbal, or be in written form (communicated as graffiti, letters or e-mail).

5. What Distinguishes Harassment From Other Forms of Behaviour?

Personal harassment takes many forms, but has certain characteristics in each of those forms: there are words or conduct which cause unwanted offence or intimidation, and would be regarded as doing so by any reasonable person with a firm idea of what is and is not acceptable in the academic community. It is this which distinguishes it from mere rudeness or bad manners, and also ensures that nothing is treated as harassment which would not generally be regarded as such. This is not to say that the victim’s own feelings are irrelevant; merely that they are not conclusive. Furthermore, there may be differences of culture, or of social attitudes between individuals which lead to misunderstandings. On the other hand,
once the victim's unusual sensitivity becomes known, the reasonable bystander might well say that, for example, the sort of tactless joke which was not harassment the first time becomes harassment if repeated.

6. In general terms, therefore, harassment is the unreasonable abuse of the victim, whether by another student or by a person in a position of authority. It may take a number of forms:

**Sexual harassment** occurs when a person's sexuality is emphasised over and above their standing as a member of the college community. Most commonly it will be harassment of a woman by a man, but is equally unacceptable between members of the same sex or when a man is harassed by a woman. Examples of unwanted and unreciprocated conduct amounting to harassment would include -

- remarks, gestures, jokes or offensive language which can reasonably be said to belittle or intimidate the victim
- provocative or suggestive remarks or pressure to accept unwelcome invitations
- display or circulation of pornography or material stridently attacking particular sexual preferences
- deliberate physical contact to which the victim has not consented, or to which no opportunity to object has been given.

In all these cases, harassment occurs if the reasonable person would agree that the conduct, in itself or by reason of repetition, makes the victim's academic or social environment hostile or intimidating. In extreme cases, this can be taken for granted. The promise of academic success in return for sexual favours could never be anything but harassment; nor could indecent assault, let alone more serious sexual aggression.

**Racial harassment** is hostile and offensive behaviour by an individual or group (usually) towards those of another racial or ethnic group. As in the case of sexual harassment, the words or conduct complained of are such as can reasonably be regarded as taking one characteristic as the defining and undesirable characteristic of the victim. For example -

- the use of derogatory names, insults, racist jokes or ridicule of cultural differences
- the display or circulation of racist material, or racist graffiti
- verbal abuse or threats which, in any case, create an intimidating or hostile environment.

**Other forms of personal harassment** are forms of unacceptable bullying or insult which any reasonable person would recognise as creating a hostile or intimidating environment for the victim. Examples might in particular cases include -

- direct or indirect references to a disability or impairment
- invasion of privacy, for instance by anonymous phone calls or letters
- repeated practical jokes
- abusive or rowdy behaviour calculated to interfere with the victim's study or social life.

Some such conduct will simply be thoughtless or ill-mannered, but there will come a point at which, because of the extreme form it takes, or because it is repeated or persisted in once known to be unwanted, it becomes more than the assertion of freedom of expression and behaviour, or the manifestation of high spirits, and may reasonably be judged to be harassment.

### Personal Harassment Procedures

These procedures give effect to the College's policy statement and are concerned with all complaints of harassment from a student about another student, and from a student about a member of staff. A student experiencing harassment from someone outside the College can seek guidance and support from the College's Advice and Counselling Service.

A member of staff with a complaint about another member of staff, a student or a visitor to the College should refer to the procedures administered by the Personnel Office.

1. **Introduction**
1.1 The College is committed to providing a learning environment free of discrimination and harassment. The primary consideration is to ensure that maximum and appropriate support is made available to any subject of any alleged harassment and that action to resolve a complaint is tactful, sensitive, sympathetic and prompt. Where the harassment takes a serious form, either because of its nature, or because of the repetition of the act, the College will also need to consider whether any disciplinary action is appropriate.

1.2 This procedure consists of a number of stages. Normally allegations of harassment would initially be dealt with at stage 1 unless the offence was particularly serious or involved repetition of conduct that had previously been recognised as harassment.

2 Stage 1 Informal Procedures
2.1 A person who believes that s/he is the subject of harassment should, wherever possible, ask the person to desist from the behaviour complained of.

2.2 Where the harassment continues or is serious; or where the victim does not want to approach the perpetrator; or where the harasser cannot be identified, the victim should approach a member of staff. This might be his/her Personal Tutor, the Senior Tutor in the Department, the Head of Department, a Warden or Sub-Warden in the residences, a Welfare Officer, a Student Union Sabbatical etc. The important point is that the member of staff is someone they feel able to approach and talk to. It may be helpful at this stage for the student to talk through the issue with the Student Counselling Service.

2.3 If the student has been attacked or assaulted, the Vice Principal or Academic Registrar must be contacted immediately: see section 3.

2.4 When approached by a student who has experienced harassment, the member of staff should arrange space and time to hear the whole story. The role of the member of staff is to provide support and guidance: to listen to the student's account and to help him/her decide what to do next. It is important for the member of staff to agree at the beginning what record is to be kept of the meeting and the parameters of confidentiality.

2.5 If, after listening to the student the staff member feels, for any reason, that the student should be interviewed by another member of staff, this should be discussed with the him/her, reasons given, and a rapid referral made. (Appendix 2 - Referring on).

2.6 When listening to the student, the following questions will need to be answered:
   a. Does the reported behaviour appear to be harassment ? (see Appendix 6)
   b. Does the student want some action to be taken by the College?

2.7 If the answer to both of these is YES, the member of staff should contact either the Vice-Principal or the Academic Registrar. They will hear the allegation, probably see the complainant, and decide upon the next course of action. This may be informal or they may suggest the student makes a formal complaint, so that the matter can be addressed under the College's disciplinary procedures. At this stage the Academic Registrar or Vice-Principal will decide whether appropriate Head/s of Department should be informed. It may be decided that the issue is best dealt with locally, in which case the Head of Department will interview the alleged harasser, and either arrange mediation/conciliation or give an informal warning (see Appendix 4). At this stage nothing should take place without the agreement of the complainant.

2.8 Where mediation, conciliation or an informal warning has failed to stop the harassment the matter must be referred back to the Academic Registrar or Vice-Principal. At this stage, if the alleged harasser is a member of staff, the Senior Personnel Officer must be informed.

2.9 If the incident is clearly one of harassment but the student doesn't want or isn't sure they want some action to be taken by the College, the member of staff must report the incident to the Head of Department, the Vice Principal or the Academic Registrar, and explain the student's wishes or concerns. These will be taken into consideration but the College reserves the right to take action in extreme circumstances without the permission of the complainant.
2.10 If the incident appears to be other than harassment (Appendix 6.2) and the student does not want any action taken by the College, the role of the staff member is to provide support and advice (Appendix 3).

2.11 If the incident is not obviously harassment but the student feels it is, and wants some action to be taken the member of staff must speak to the Head of Department, the Academic Registrar or the Vice-Principal.

3 Stage 2 - Formal Complaint

3.1 Although the student has the right to make a formal complaint at any stage, such a submission is likely to occur where:
   a. the harassment is particularly serious and/or is either a criminal offence or a prima facie breach of the Code of Student Discipline;
   b. the harassment is of a continuing nature, and is therefore considered a more serious offence.

3.2 To make a formal complaint, the student must write to the Academic Registrar or Vice-Principal detailing the incident/s. This may be done with assistance of the member of staff the student approached or was referred to.

3.3 Where the alleged harasser is a student, the Vice-Principal will normally interview both the complainant and the alleged harasser/s, and any other person s/he considers relevant. Both complainant and alleged harasser may be accompanied by a friend at such interviews. If the Vice-Principal is satisfied that an offence has been committed, s/he will decide whether the matter can be dealt with a reprimand, or whether it should be reported to the Principal for dealing with through the Stage 3 procedure. The Vice-Principal will notify both the complainant and the alleged harasser of the outcome of his/her deliberations and will maintain a confidential record of all cases, however resolved.

3.4 A student who has denied the offence but has been reprimanded by the Vice-Principal may appeal against the decision to the Principal.

3.5 Where the alleged harasser is a member of staff the matter should be referred in the first instance to the Director of Personnel.

3.6 A student who makes a false statement with malicious intent in connection with allegations of harassment will be reported to the Principal, and may be subject to disciplinary action.

4 Stage 3 Formal Disciplinary Hearing

4.1 Serious cases of harassment by a student will be reported to the Principal, and will be considered under the College's Code of Student Discipline.

4.2 Serious cases of harassment by a member of staff will be considered under the relevant disciplinary procedures.

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Appendix 1 - Record Keeping

A1.1 A student complaining of harassment should be advised to keep a detailed record of all incidents with dates and times.

A1.2 If a member of staff is approached by a student complaining of harassment, s/he should agree with the complainant that a private record of the meeting will be kept, including:
   - date and time of meeting
   - date time and location of incident/s
   - nature of complaint
   - impression/observation of the complainant's state of mind
   - agreed course of action
A1.3 Postpone note-taking until the complainant is relaxed and you feel you have their trust. The student should be happy that you will be taking notes before you start to do so.

A1.4 It should be explained to the complainant that this record needs to be kept in case the complaint is subsequently made formal. In that event the record may be significant background or corroborative evidence.

Appendix 2 - Referring on

A2.1 Shortly after being approached by a student complaining of harassment, you should decide whether you are the right person to hear the complaint and if not who it should be. Do not force the student to see someone they do not want to see and it is unhelpful to cut a person short. Let them talk to you and then explain carefully, and at the right time, your reasons for suggesting they see someone else.

A2.2 If the student is unsure about what they want to do and or upset, it may be appropriate to refer them at this stage to the Student Counselling Service.

A2.3 It is important that the member of staff is able to be unambiguously supportive. Therefore if a student approaches her tutor with a complaint about another student and the member of staff is also tutor to this alleged harasser, it may be prudent to suggest that the complainant speak to someone else in the department. The timing and manner of this suggestion will be all important.

Appendix 3 Support and Advice

A3.1 When hearing a complainant it is important that they are allowed to set the pace.

A3.2 Listen - this is the most important task.

A3.3 Ask open and non-leading questions.

A3.4 Recap. significant points of the story at intervals

A3.5 Offer support and information so that the complainant is better able to decide what to do next. If they are too upset or confused to be able to think clearly, suggest you initially talk to a senior member of staff on their behalf and/or arrange another meeting and/or refer them to the Advice and Counselling Service.

A3.6 Don't make assumptions about which aspect of the alleged harasser's behaviour is the most offensive.

A3.7 Don't doubt the word of the complainant but remember you have only heard one part of the story.

A3.8 Be cautious with definitions or categorisations of the alleged harasser's conduct.

A3.9 Be very cautious about giving advice but it may be useful to suggest:

- They write an account of any incidents that have taken place so far
- They keep records of further incidents
- They speak to someone else more senior in the College
- Anything that will maximise the student's safety
- They seek counselling

A3.10 Don't take action on their behalf unless you have their agreement and the agreement of a senior member of staff.
Appendix 4 - Informal Action

A4.1 The ideal is to put an end to harassment at an early stage. The member of staff can advise the complainant either to speak or write to the alleged harasser outlining the behaviour which is perceived as offensive and asking for it to stop, AND/OR

A4.2 The Head of Department or Senior Tutor or another delegated member of staff can speak informally to the alleged harasser if requested to do so. In this event, the complainant should be asked for permission to give his/her name to the person against whom the complaint has been made; anonymous complaints can only be pursued in general terms and are less likely to bring about the desired change in behaviour. The person against whom the complaint has been made will be advised of the nature of the complaint and be given the opportunity to respond. Where this meeting leads to an acknowledgement that a problem exists, the steps to rectify the problem and prevent the situation recurring will be agreed and notified to the complainant, AND/OR

A4.3 A meeting of the two parties can be arranged so that the complainant can let the alleged harasser know what the problem is and seek to resolve the matter informally. The meeting will usually be convened by a Head of Department, a Senior Tutor, the Vice-Principal or the Academic Registrar. Both parties may bring a friend as an observer if desired.

A4.4 A record of the proceedings should be made and retained by the convenor.

Appendix 5 – Confidentiality

A5.1 Members of staff hearing or investigating an allegation of harassment must maintain confidentiality at all times and all discussions of the case and passing of information must be considered, purposeful and non-trivialising. In normal circumstances involved staff should not pass on personal information about complainants or incidents unless the permission of the complainant has been given. The only circumstance in which this might take place in the event of the member of staff considering the incident to be of sufficient seriousness for them not to be able to hold on to the information. In such circumstances the complainant's consent to the passing of information will be sought if at all possible.

Appendix 6 - Seriousness of Incidents

A6.1 Helping to define whether the reported behaviour is harassment
After listening to the student it may be become apparent that what is being reported is not harassment but some other form of behaviour that is disagreeable to the complainant. For example, if a student complains about another student's repeated sniffing during lectures, this is unlikely to be harassment. But if for some time the sniffer always makes a point of sitting near to the complainant and looking at her when he sniffs, this could be harassment.

A6.2 Taking a student's report seriously
All reported incidents of harassment should be taken seriously. It may be that a student's reaction may appear to be extreme or it may seem that the complainant is being over sensitive, but in all events a student's subjective experience should be heard and responded to respectfully.

A6.3 Deciding that the incident is sufficiently serious to be reported to a senior member as soon as possible. To a large extent what defines seriousness in this context has to be left to the judgement of the member of staff, but any behaviour that appears to be intentionally distressing is serious.